HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 12796 of 2007

Dated 5th July 2007

Between:

Sunkara Anantha Lakshmi

…Petitioner

and

The Govt. of A.P., rep. by Commissioner and Registrar of Cooperative Societies,
Hyderabad & others.

…Respondents

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WRIT PETITION No. 12796 of 2007

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O R D E R:

One S.Sathi Raju obtained a loan from the 3rd respondent. The petitioner mortgaged her residential house in R.S.No.903/7 of Mummidivaram, for repayment of a sum of Rs.50,000/-, out of the said loan. The loanee did not repay the amount. Therefore, proceedings were initiated under Section 71 of the A.P. Cooperative Societies Act. A recovery certificate is said to have been issued, in favour of the 3rd respondent, for a sum of Rs.11,80,000/-.

The petitioner claims to have submitted an application to the 1st respondent, to extend the benefit of one time settlement. Her grievance is that no action has been taken on her representation and that the property is sought to be proceeded against. It is represented that, alleging that no intending purchaser had come to purchase the property, it has been set off in favour of the

3rd respondent on 29.6.2002.

Heard the learned counsel for the petitioner. At the stage of admission, the learned Standing Counsel for respondent No.2 obtained instructions, and submits that the facility of one time settlement is not available, at present. It is also stated that an appeal preferred by the petitioner, against the recovery certificate, is pending.

The petitioner seeks to avail the benefit of one time settlement. While the learned Standing Counsel submits that the facility has since been discontinued, learned counsel for the petitioner has placed before this court the copies of certain proceedings, through which the facility has been extended to others, in the recent past. This court cannot decide as to whether the petitioner is eligible to be extended the benefit of one time settlement. However, the application needs to be considered, with reference to the scheme. In case there exists any reason that disentitles the petitioner for the benefit, the same need to be communicated.

For the foregoing reasons, the writ petition is disposed of, directing the respondents 2 and 3, to consider the application of the petitioner for extending the benefit of one time settlement, and pass appropriate orders thereon, within one month, from the date of receipt of a copy of this order. There shall be no order as to costs.

5th July 2007

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